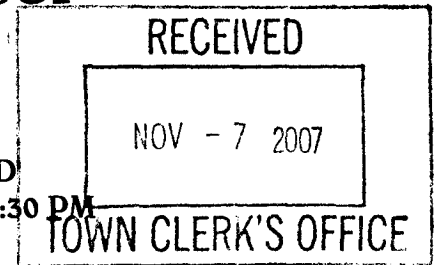




Town of New Windsor

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OFFICE OF THE PLANNING BOARD
WEDNESDAY -- NOVEMBER 14, 2007 - 7:30 PM
TENTATIVE AGENDA



CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: SEPT. 12, 2007 & SEPT. 26, 2007

ANNUAL MOBILE HOME PARK REVIEW:

- a. WINDSOR HTS. MOBILE HOME PARK - OFF RILEY ROAD
- b. HILL & DALE MOBILE HOME PARK - RT. 9W

REGULAR ITEMS:

1. NEW WINDSOR SENIOR HOUSING (07-01) RT. 32 (PIETRZAK & PFAU) Proposed development of 91 Totally Affordable Senior Housing units.
2. APPLE RIDGE (06-24) SHAW ROAD (PIETRZAK & PFAU) Proposed 49-lot residential subdivision
3. UNITED RENTALS, INC. (07-27) WINDSOR HIGHWAY (SHAW) Proposed construction of a 4,800 sf building w/4 bays and 1 wash bay.
4. QUASSAICK BRIDGE FIRE CO. (07-22) WALSH AVE. - Proposed new fire house facility.
5. HIGHVIEW ESTATES SUBDIVISION/L.L.CHG (06-09) PAUL COURT (ZIMMERMAN) Proposed four lot residential subdivision with lot line change.
6. MANGIARACINA SUBDIVISION (05-17) TOLEMAN ROAD (TACONIC) Proposed 4-lot Residential Subdivision

DISCUSSION

7. VESLEY ESTATES (STEVEN'S WOODS) - RECOMMENDATION TO TOWN BOARD - SENIOR HOUSING - MOORES HILL ROAD

ADJOURNMENT

(NEXT MEETING - DECEMBER 12, 2007)

November 14, 2007

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TOWN OF NEW WINDSOR

PLANNING BOARD

NOVEMBER 14, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

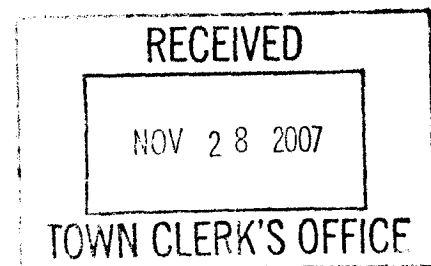
DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN
HOWARD BROWN
HENRY SCHEIBLE

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the November 14, 2007 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)



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MR. ARGENIO: I want to tell everybody here we have a lot to do and we're going to get right into it and we're going to move right along. But you need to know if you have an application here you need, we have a quorum but you need a unanimous vote for your approval to carry if you're eligible for approval. So you folks should know that.

ANNUAL_MOBILE_HOME_PARK_REVIEW:

WINDSOR_HEIGHTS_MOBILE_HOME_PARK

MR. ARGENIO: The first item on tonight's agenda is Windsor Heights Mobile Home Park off Riley Road. Somebody here to represent this? Can I have your name and address please sir?

MR. SASSER: Joel Sasser, S-A-S-S-E-R.

MR. ARGENIO: Has somebody been out to Windsor Heights Mobile Home Park and taken look around, see how it looks?

MR. BABCOCK: Yes, we have, everything there is fine.

MR. ARGENIO: We need a check, Myra?

MS. MASON: Yes.

MR. ARGENIO: It's for \$125 made out on behalf of the Town.

MR. SASSER: I think it's 135.

MR. ARGENIO: We'll take the extra, that's not a problem. If there's no further issues with the board members, I'll accept a motion we grant one year extension to Windsor Heights.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension for the Windsor Heights Mobile Home Park. No further discussion, roll call.

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ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

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HILL_&_DALE_MOBILE_HOME_PARK

MR. ARGENIO: Hill & Dale Mobile Home Park on Route 9W,
somebody here to represent this? We'll table that and
if they come in later Myra would you please point it
out to me?

MS. MASON: Okay.

REGULAR_ITEMS

QUASSAICK_BRIDGE_FIRE_COMPANY_(07-22)

Mr. Jack Babcock appeared before the board for this proposal.

MR. ARGENIO: First regular item is Quassaick Bridge Fire Company proposed new firehouse facility. Mr. Babcock, I don't know how incredibly necessary it is but would you just please come forward? Everybody knows Jackie Babcock from the fire district. I'm going to go through a couple of Mark's comments briefly for the benefit of the members. These folks have come a long way, they have done a lot of work on their plan and they tried very hard to bring this thing along. Neil, I don't think that you're privy to all this cause you weren't here last time but Mark's comments are very, very brief and very concise. The application proposes combination of three tax parcels on Walsh Avenue, construction of a new 5,000 square foot firehouse with demolition of all the existing structures including the old firehouse once the new facility is in service. Application was previously reviewed at the 8 August, 2007 and 10 October, 2007 planning board meetings. There was some issues with the SWPPP which I'm going to read directly from Mark's comments. It is complete and it is accepted by his office, it has been reviewed by the highway superintendent and he's in concurrence with the plans as they're drawn right now. SEQRA is complete for this application. What's this mean, Mark, as part of the approval resolution the planning board could concur with this determination, what concurrence is required?

MR. EDSALL: Just really for just a procedural thing where you can just for the record indicating that you're concurring with the fact, the conclusions of the fire district. So if any question is raised whether or not this board agreed you're on record. I believe

toward that goal Dom has included that in the approval resolution so it's on the record.

MR. CORDISCO: That's correct.

MR. ARGENIO: We do concur.

MR. CORDISCO: In other words, you don't disagree.

MR. EDSALL: That's all.

MR. ARGENIO: Just to refresh the board members' memory, the only real issue that was outstanding with this application was the SWPPP, they had some problems with the SWPPP. Initially Mark's guy had reviewed it, John Szarowski, and he made them, he had them make some quite substantial changes, they have brought it in compliance as far as I can see and I will ask my contemporaries up here the only issue of that is that we require the bond estimate and the fees be paid. Neil or Danny, do you have anything else with this application?

MR. GALLAGHER: No, seems to be cleaned up pretty good.

MR. SCHLESINGER: Yes.

MR. ARGENIO: Firemen were here in force at the last meeting, right, Mr. Babcock? I said the firemen were here in force at the last meeting?

MR. J. BABCOCK: Yes.

MR. EDSALL: Two suggestions, just so you know the town has waived the approval fees and such so that doesn't need to be part of the resolution and secondly given the fact that this is a public government taxing district and they're going to be constructing all the improvements I don't believe there's any need for us to have a site improvement bond on a public improvement so

I'm suggesting--

MR. ARGENIO: Why didn't you put that on here?

MR. EDSALL: I didn't know that they put in here that they need a bond, if I did, I'm wrong.

MR. BABCOCK: It's not on mine, Mr. Chairman.

MR. ARGENIO: Well, it's on my version, it must have been, I must have a prior version. Okay, it's not an issue.

MR. EDSALL: If I did, I apologize but I think that they're obviously financing it and building it, it's a public government taxing district.

MR. ARGENIO: Accept a motion for motion for final.

MR. SCHLESINGER: Make a motion we give final approval to the Quassaick Bridge Company.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board give final approval to the Quassaick Fire District. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Congratulations, good luck to you.

MR. J. BABCOCK: I want to thank the board for your help.

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MR. ARGENIO: You guys were great and as I espoused from the beginning on more than one occasion, if we can't accommodate and work with and try to help the firemen and the people who serve our community who can we help?

MR. J. BABCOCK: Thank you.

MR. ARGENIO: Good luck to you.

NEW_WINDSOR_SENIOR_HOUSING_(07-01)

MR. ARGENIO: Next on the agenda is New Windsor Senior Housing, Warwick Properties senior citizen housing plan. The application proposes development of 96 one bedroom senior citizen housing units on the 4.1 acre parcel. This is just behind Rite-Aid guys, if you remember. Application was previously reviewed at the 24 January, 2007 and 12 September, 2007 planning board meetings. I see Mr. Pfau is here to represent this. Mr. Pfau, what I'd like you to do if you would is bring us, I don't want a tour of the entire project from day one, but please bring us up to speed relative to the changes and upgrades and things of that nature that you have accomplished since the last time we saw you. As you're aware, fire is a big issue, you can update us on that as well.

MR. PFAU: I'll go through step by step. First though we went to the Zoning Board of Appeals earlier in the month and we received four variances for the project. And briefly what they are is we received a variance for density where 18 units per acre is allowed, we received a variance for 25 units per acre. The second variance was for parking requirement which is one space per unit and we received a variance for .72 spaces per unit.

MR. ARGENIO: Did you clean your bulk tables up? There was a pretty big issue with the bulk tables.

MR. PFAU: Yes, we had the new modifications to net area and parking calculations.

MR. ARGENIO: Mark, do you agree with that?

MR. EDSALL: Yes, we cleaned that up as part of the referral to the ZBA.

MR. PFAU: The third variance was a setback from proposed buildings to the parking areas, there's a

minimum requirement of 25 foot and we exceed that and in most cases if you take a look at the cover sheet or any of the sheets really the parking and the side lot location relative to the building we do not meet that 25 foot setback and we received a variance for that as well. And the fourth variance which was a variance for the inside of the building we received two variances based on the architectural of the building, basically one had to do with--

MR. BABCOCK: Thresholds.

MR. PFAU: Yes, doorway thresholds, there is to be lifts within the doorway thresholds. And the other one had to do with the heights of the outlets in the buildings themselves so those are the four variances.

MR. ARGENIO: What do you do pick the outlets up higher?

MR. BABCOCK: Actually the town requirements are 24 inches and the state requirements are 16, he needs to follow state guidelines.

MR. PFAU: So those are the four variances that we received.

MR. ARGENIO: Good thing Mr. Mendelbaum is here to steer you.

MR. PFAU: Yes and then we also received a letter from Mark Edsall earlier before we made our submission to the planning board to respond to the comments but basically what you see now is there's 90 units total in this layout as opposed to the 96 previous. And what we have done is the parking area which goes in between this new building we're required to widen that width out from 24 foot to 30 foot which we have done. And we have also increased the radius within that parking area for the vehicles. We have also provided a turnaround

at the end of the proposed parking area and we removed the outside access drive and put in a 6 foot wide paved sidewalk. Otherwise really the only thing that the planning board, the only difference is we made modifications to the storm water design and some minor details on that.

MR. ARGENIO: Do you have a crash gate going into the firehouse parking lot?

MR. PFAU: No, we don't.

MR. ARGENIO: Why not?

MR. PFAU: Well, our pavement doesn't, we don't connect pavement to pavement.

MR. BABCOCK: They made a T turnaround there.

MR. PFAU: This is all grass in the back area here.

MR. EDSALL: How far away from the pavement is your, the end of your pavement?

MR. PFAU: Oh, it's about a foot off the property line.

MR. EDSALL: No, from their pavement to your pavement, just so that I'm concerned about people using it when they shouldn't be.

MR. MENDELBAUM: It's quite a bit grass and field in between us, I would say over 200 feet.

MR. ARGENIO: Michael Babcock or Michael Blythe, why don't I have approval here from the fire department?

MR. BABCOCK: You should.

MR. ARGENIO: Why don't I have it?

MS. MASON: Don't have anything in writing.

MR. BABCOCK: They sent it to us.

MR. ARGENIO: I don't have it.

MR. BABCOCK: Yeah, Mr. Chairman, I can tell you we definitely have that, I met with them myself to solve this problem. It was, I don't know why we don't have it, it should be in the file there.

MR. ARGENIO: Do you have anything else cause I have some housekeeping items?

MR. BABCOCK: Just so you know the fire inspectors required the T turnarounds, they required that there be less than 300 foot travel distance around the building, so if they have to bring a ladder they required that there be four Siamese connections, one in each corner of the building, they put that out and that the plan be listed, that the buildings be fully sprinklered.

MR. ARGENIO: Siamese connections will be an architectural issue.

MR. BABCOCK: Should be on the site plan.

MR. ARGENIO: Are they on the site plan?

MR. BABCOCK: Yes, based on that we sent that plan and I met with the fire inspectors and they sent a memo, I don't know why it's not in the file but we'll make sure it gets there, stating that they, based on that, they approved it, they did at the end of the letter they did recommend, they said they wanted to have a recommendation that there be a driving lane around these buildings, it's only a recommendation, it's not code.

MR. ARGENIO: It's not a requirement, it's an important

distinction.

MR. BABCOCK: Yes.

MR. ARGENIO: Danny, you follow that?

MR. GALLAGHER: Yes.

MR. ARGENIO: It's an important distinction what you would like and what's required are two quite different issues. Why don't you have a landscaped plan? Curious.

MR. PFAU: It's in progress.

MR. ARGENIO: It's something we typically want.

MR. PFAU: Absolutely, no question.

MR. ARGENIO: Mr. Pfau, let me ask you this kind of generic open ended question. We have seen this a few times, there's been meetings at Town Hall about that. Are you attending the workshops with Mark Edsall? Because I find it surprising that there's four full pages of comments here. If you're attending the workshops usually Mark is more thorough than that, maybe he's not been more thorough on this one in giving you the input that you need at the workshops.

MR. MENDELBAUM: Joe has not attended any of them.

MR. ARGENIO: He's not? Why not? And Mr. Mendelbaum, the reason I say it is cause we want to move, I mean we want to, this is an important issue in the town senior housing.

MR. MENDELBAUM: I agree with you a hundred percent.

MR. ARGENIO: So you will attend them moving forward?

MR. PFAU: Absolutely. I believe someone from our office has attended some workshops, you know, we have been basically concentrating on getting the zoning board variances and we just received those and I actually don't know how many works shops we have actually had on this.

MR. ARGENIO: Okay, so somebody from your office with some level of authority and ability to change the drawings and make decisions will attend moving forward?

MR. PFAU: Absolutely.

MR. ARGENIO: That's good. I want to read this comment to you. The site plan submitted should provide dimensions for buildings to property lines certainly necessary even though you do have the variances, curb/sidewalks to buildings and/or property lines, general dimensions for buildings, parking space dimensions, layout and aisle dimensions, limits of work and construction types, et cetera, all as needed to understand this site as proposed and lay out the work once the site plan is approved. That's important to us and probably more important to Mark, so when he does do his reviews he doesn't have to scale from structure to property line. I think you should, you know, Mark, the paving section is nine inches thick, I think that's great for obvious reasons. Mark has a note about the color of the striping and he says yellow, I like white, better contrast, but it's, I won't dictate that to you, just a thought.

MR. MENDELBAUM: We usually do white and yellow for fire lanes.

MR. ARGENIO: I like white, obviously the law will require blue in the handicapped areas and I don't want to get into too much minutia but I think you should consider in the no parking zones and those drop dead zones for the firemen, I think you should consider red.

Is that a violation of code?

MR. MENDELBAUM: I think red became a state law.

MR. EDSALL: I don't think so.

MR. ARGENIO: Can we do red or is there a problem for the firemen?

MR. BABCOCK: I don't know.

MR. EDSALL: The only disadvantage in red is that it tends to get dark and not be noticed as much as something that's like a bright OSHA yellow.

MR. ARGENIO: I'm not the engineer, I have seen red before, Wal-Mart's doing red and it works well, that's why I'm suggesting it.

MR. EDSALL: As long as it's a bright enough color is all we're trying to accomplish.

MR. MENDELBAUM: Yellow seems to stand out.

MR. ARGENIO: Okay, Neil and Danny, if you have something, don't feel like you have to wait for me to finish, chime in.

MR. SCHLESINGER: I have a question. I see a dumpster area detail but I don't see where the dumpster is located.

MR. PFAU: Right near the turnaround.

MR. SCHLESINGER: One dumpster for two buildings?

MR. PFAU: That's correct.

MR. SCHLESINGER: That big enough?

MR. PFAU: It's two dumpsters within.

MR. SCHLESINGER: I see the detail, matter of fact you're showing three dumpsters.

MR. BABCOCK: There's got to be some type of recycling center so it's going to be more than one, more than two, more than three.

MR. ARGENIO: Is that enough for that amount of units?

MR. BABCOCK: The whole thing is that it depends on how many times it's going to be emptied. If they empty it twice a week, it probably is, if they empty it once a week, it's probably not.

MR. SCHLESINGER: You're going to want to keep the place clean and tidy.

MR. MENDELBAUM: Our standard is twice a week, we have always done that, we don't like stuff to build up and if we feel three dumpsters is not working we can always get another one.

MR. SCHLESINGER: Well, they have dumpsters for different recycling, I understand that.

MR. MENDELBAUM: We use a two yarder and we use three of those plus recycling bins.

MR. SCHLESINGER: Sounds a little small to me but you want to keep the area clean, we'd like to see you keep it clean.

MR. MENDELBAUM: We build it big enough, we can actually put eight in there if we feel that's necessary.

MR. ARGENIO: Mr. Pfau, I want to make a kind of general comment to you. One of the things we discussed

about this project early on was how great the location is because of its proximity to all the facilities. I want you to look at the project and make sure you show us and I don't mean show us, I want to make sure you delineate a fashion and means for the parking because there's not a lot of parking here, we know there's not going to be a lot of cars for the pedestrians to get from the facility to the sidewalk facilities out on Route 32 to go to Rite-Aid, to go across the street to rent a video, to go to the bank, to go to the post office, to go to K-Mart.

MR. PFAU: Is that something I can just give the board?

MR. ARGENIO: I'd like to see it on the drawing.

MR. PFAU: Just a drawing for the board?

MR. ARGENIO: No, I'd like to see it in the set as part of the plans and I'm not looking for a runway here, I'm talking about a plan that takes them from your facility or Mr. Mendelbaum's facility to the pedestrian avenues up on Route 32. I don't think it's difficult but I'd like to make sure that they're not walking on the edge of a 24 foot wide traveled area where vehicular traffic is traveling.

MR. MENDELBAUM: It's showing sidewalks going across and meeting the sidewalks at RAL.

MR. ARGENIO: I don't see that from the facility to 32.

MR. PFAU: Well, there's a, you see our sidewalk goes up to a crosswalk and this is the first part of existing sidewalk right here.

MR. EDSALL: Is that sidewalk in the easement or on the site plan next door?

MR. PFAU: That's on the site plan next door.

MR. EDSALL: How can you take all your pedestrians and put them onto the site plan next door? Is there an easement there?

MR. PFAU: I'd have to review that.

MR. ARGENIO: You should take a look at it.

MR. PFAU: Putting a sidewalk two feet away from another sidewalk.

MR. EDSALL: Maybe on the other side of the drive, have it go all the way out to 32.

MR. MENDELBAUM: Other side is probably better.

MR. EDSALL: Point being you've got--

MR. ARGENIO: Avoid the road crossing, take a look at it, it's something--

MR. PFAU: Would you like me to remove the crosswalk?

MR. EDSALL: Reroute it.

MR. ARGENIO: Look at me, yes, yes.

MR. PFAU: My concern is that RAL could come in and change the whole site plan, something else could be built there and that eliminates all your function.

MR. ARGENIO: Mark has a comment about the box culvert, I'm not twisted up about it, he is, I will read his comment, Mr. Pfau, adequate capacity should be verified as part of the SWPPP submittal.

MR. PFAU: We've done that.

MR. ARGENIO: Probably right but I mean I think--

MR. PFAU: It's a 5 x 10 by the way is the size.

MR. EDSALL: If not already done only because I wanted to at the workshop go over with you where you stand with the responses on the SWPPP.

MR. ARGENIO: Key word workshop. I put the culvert in across the street and it seems to me I think you're right, it's about a 5 x 10 with a closure structure and typically the engineer who designs the culvert or who, it's a different engineer that designs the culvert than designs the site, so I don't see that as a problem. I'm not going to get into a lot of this, there's clean-up things here, there's, Mark, did you check that 12 inch water main business?

MR. EDSALL: Yes, I, no, actually the fire inspectors were checking, they were not quite sure if it was a service line to a site plan if it had to be 12. So I in my comments said that it had to be at least 8 but it may have to be 12 depending on the determination but we'll work all that out.

MR. SCHLESINGER: Not to jump the gun cause we're not there yet but there's, I have another reason for bringing this up at this time and I'm not familiar with the codes and I don't know whether you can address this or Mark but this is senior citizen housing on a three story building. Obviously you're going to have elevators, obviously you're going to have emergency exits. Is there any special code that needs to be addressed to this type of construction to this type of building being that it's three stories and a senior citizen?

MR. MENDELBAUM: Just got to meet New York State Building Code.

MR. SCHLESINGER: No extra elevators, no extra--

MR. BABCOCK: There may be but there is a special section for this based on the construction type, based on the number of occupants, based on their age, based on it will tell you through the code book what he's required to put in.

MR. MENDELBAUM: When we get your approvals and go to the state we'll have a complete architectural which goes to the New York State Division of Housing for review and it's similar to what you're doing back and forth comments and tell us exactly what they want, the Division of Housing, and they follow New York State Code.

MR. ARGENIO: I'd imagine if you didn't comply you'd have funding issues.

MR. BABCOCK: Yes, that's the whole issue.

MR. ARGENIO: Again, Danny, you're noticeably mute in this whole thing, do you have anything?

MR. GALLAGHER: I was going to mention the light poles but I notice Mark has a comment on that.

MR. ARGENIO: I want to read something to you, Mr. Pfau, and I'm going to skip a lot of Mark's comments because I'm of the belief that there are things that need to be taken care of, they're certainly not unimportant but we don't need to take up this board's time in as much as Mark has been very concise in the things he's addressed and you need to address them and they're pretty clear. But I want to read this to you. It should be noted that the above comments do not address storm water and SWPPP issues for the site which were the subject of separate review performed for the applicant with comments issued on 10/25/07, almost a month ago, almost a month ago. As also discussed with the applicant on 10/29/07 we have not yet received any

response or resubmittal for this aspect of the development and it is possible that the corrections needed to comply with the state and town regulations may have other impacts on the site plan. Where are you at with that issue?

MR. PFAU: We're a hundred percent done.

MR. ARGENIO: Why don't we have them?

MR. PFAU: We just completed them. There was substantial comments again with regard to the storm water, they're a hundred percent done and I actually have the drawings with me this evening that reflect those changes but I didn't think tonight was the night to submit them.

MR. ARGENIO: Myra, where are we at with county?

MS. MASON: It's been submitted.

MR. ARGENIO: We have not heard back from them?

MS. MASON: No.

MR. PFAU: I will tell you that I have the revised site plans with those comments responded to and the layout, the site features did not change at all and I have a set of those plans that I can give to Mark if you'd like.

MR. ARGENIO: No, you know what I think you should do, there's a couple of things here, he's got comments, you need to address the comments, not all of them are killers, there's a lot of clean-up issues.

MR. EDSALL: It's mostly clean-up, I attempted to go through and get as much on the list so they can go through and fix it all at one swipe.

MR. ARGENIO: I would like you to craft some sort of landscape plan, it's an important area of the town, the Rosenbergs across the street spent a lot of money on landscaping, they did a great job, certainly not advocating that you do the same thing they did but you need to do something. And I also in the venue of public safety I think it's important that you think through the access from your facility to 32, whatever that is, I don't, I'd prefer it if it didn't involve senior citizens crossing that driveway, I'd prefer that.

MR. PFAU: That's fine.

MR. ARGENIO: I mean I don't know how much further we can go. Dan and Neil, do you guys have anything else that you'd like to maybe hit or Mark, am I missing anything there? Is there anything else we can do procedurally to help you?

MR. BABCOCK: I see one thing, I'm sorry to barge in, the number 6 it says board should determine if there's a public hearing.

MR. EDSALL: That's just what I was going to mention.

MR. BABCOCK: Maybe you're going to have a public hearing or not, if you can determine that.

MR. ARGENIO: I don't know how we cannot have a public hearing, frankly, it's not going to hold the applicant up. Am I right? We haven't heard from county yet.

MR. EDSALL: No, then I would suggest if you're going to have one you authorize it tonight and try to set the date.

MR. ARGENIO: They have one at zoning?

MR. BABCOCK: They did have one, there was a few people

there, I think one gentleman talked, he was from Kingwoods Gardens, he asked a couple questions about the drainage, was there going to be anymore water going down the stream, they're going to put in the ponds and stuff.

MR. ARGENIO: There's a massive culvert here, I mean--

MR. BABCOCK: I'm just telling you what he asked. They assured him that it wasn't a problem.

MR. ARGENIO: To have the public hearing we'll vote on it, it certainly doesn't affect you folks timewise, does not affect you folks timewise. Danny?

MR. SCHLESINGER: Yeah, I agree, I'll make a motion.

MR. GALLAGHER: I think we need one. I think that there's a lot of changes.

MR. SCHLESINGER: I'll make a motion to schedule a public hearing.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for the Warwick Properties site plan. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Pfau, you will attend the work session with Mark?

MR. PFAU: Absolutely.

MR. ARGENIO: You have completed the SWPPP?

MR. PFAU: Complete, a hundred percent complete.

MR. ARGENIO: You'll get that to him?

MR. PFAU: And this list, I mean, I skimmed through it quickly but I say within a few days time.

MR. EDSALL: There's no killers on my list, I think the biggest thing they've got to be fixed but there's--

MR. ARGENIO: But there's nothing here that's gonna stymie this.

MR. EDSALL: The most important thing, get one copy of the SWPPP directly into Myra's office or put two into Myra and I'll pick mine up from her, we don't need anymore than two I would think as long as the SWPPP is in order, that's the key element.

MS. MASON: And the corrected plan.

MR. EDSALL: Corrected plan, the SWPPP is going to address all the storm water and finish issues so we'll get over that hump right away go ahead and make the other revisions and we can get that in.

MR. ARGENIO: Mike, get with Myra and see that the file's updated.

MR. BABCOCK: I remember that, that that went to Jennifer and that's why.

MS. MASON: I think they were looking at the building plans and stuff.

MR. ARGENIO: Anything else I can do for you?

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MR. PFAU: No, thank you.

APPLE_RIDGE_(06-24)

MR. ARGENIO: Apple Ridge, 197 acres into 45 single-family residential lots. The plan was reviewed at the 28 June, 2006, 25 October, 2006, 28 March, 2007 and 12 September, 2007 planning board meetings. And as my predecessor used to say, I'm going to send this application a Christmas card next Christmas we've seen it so many times. Mr. Pfau, this application was before the board and the applicant has returned requesting preliminary approval. Give us again an update as to what's changed and where you're going and what you're doing.

MR. PFAU: Okay, this was the map that was actually presented at the public hearing, okay, the map that we have resubmitted to Mark, we had the public hearing, we closed the public hearing. Prior to the public hearing the SWPPP was signed off on by Mark's office so that portion of the comments were taken care of. There were some clean-up issues with regards to 9/11 addresses and road names and things of that nature that we have added to the plans, nothing really substantive as far as changes, they're just additions, like I said, road names, 9/11 addresses, notations, those types of things made that submission and we have modified the plans but as I've said already as far as changes to the layout lots and whatnot there has been really no changes to the plans since then, since the public hearing.

MR. EDSALL: I had met with Mr. Fayo and reviewed the plans and obviously he's going to look at it in its final form, should anything get adjusted, but he didn't have any concern with the preliminary plans that we met on so I'm surprised he hadn't responded. But I can on the record we did meet and he was okay with it.

MR. ARGENIO: You need preliminary approval for what, to go to the health department?

MR. PFAU: Yes, health department, we're going to be getting permit from the Army Corps for wetlands crossings.

MR. ARGENIO: Mark, help me understand you need preliminary approval to go to Army Corps?

MR. EDSALL: You need preliminary approval to go to the health department.

MR. ARGENIO: What's that got to do with Army Corps?

MR. EDSALL: They're going to need that permit and I don't know if they're more comfortable when they know it has preliminary approval.

MR. PFAU: We've made our submission to the Corps. I misspoke, that was one of the approvals that we need to come back with prior to final approval.

MR. EDSALL: I really at this point believe that they're in acceptable preliminary form and they really can't move forward with the health department nor to get any state permits unless the negative dec is in place and they've got preliminary.

MR. ARGENIO: Accept a motion to declare negative dec.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for the SEQRA process for Apple Ridge major subdivision. If no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: Do you guys understand this? They need preliminary approval to go to the health department, we'll get a chance to revisit this in greater detail and that's the deal. Am I missing anything, Mark?

MR. EDSALL: No, the plans are like I said we've looked at them in substantial detail at preliminary and they're ready to move on to the health department.

MR. SCHLESINGER: Make a motion to offer preliminary approval for the Apple Ridge major subdivision.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer preliminary and final approval for the Apple Ridge major subdivision on Shaw Road. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: Thank you, Mr. Pfau, have a good night.

UNITED_RENTALS,_INC._(07-27)

MR. ARGENIO: United Rentals, Inc.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Application proposes new building for use for service of the rental equipment and the wash bay. The plan was previously reviewed at the 26 September, 2007 planning board meeting. So it's a new building for a wash bay?

MR. BABCOCK: Service of the rental equipment also, Mr. Chairman, they'll service the rental equipment also.

MR. ARGENIO: Go ahead, Greg.

MR. SHAW: Thank you. As you mentioned, it's a 4,860 square foot building which will be immediately north of the existing building that sits on this site which is also about 4,800 square feet. With respect to the square footage, we're going to utilize 200 square feet for an office, there will be 450 square feet for a parts room and then the balance of the building which is approximately 4,200 square feet will be for four service bays and one wash bay, obviously, that's for the equipment that they rent on the site and gives them a formal building to maintain their equipment. Other than that, there are really no site improvements, the site is presently, majority of it is macadam pavement, we're going to be removing some macadam and replacing it with another impervious surface which is the roof, there's going to be some minor changes to the water service, sewer service, a couple catch basins and piping and new oil water separator, disturbance is really negligible, just enough to cut out the pavement and put in a foundation for a new building. And with respect to parking, according to your code we're obligated to provide 42 spaces and we're providing on

our site 50 spaces in addition to areas designated for equipment storage.

MR. ARGENIO: Two things, one where does the wash bay effluent go?

MR. SHAW: Into the sanitary sewer system.

MR. ARGENIO: For the town?

MR. SHAW: Yes.

MR. ARGENIO: Second then is do you agree to the following, a note should be added to the plan stating that the service bays and wash bay of the proposed building are for the express purpose of maintenance of the equipment owned and rented by the owner? Do you agree with that?

MR. SHAW: Yes.

MR. ARGENIO: Mike, are there any problems up on this site?

MR. BABCOCK: No.

MR. ARGENIO: The record should reflect that Argenio Brothers does do business with United Rentals from time to time but if I had to recuse myself from every applicant that I know or have done business with we'd have nobody on this planning board. So that's what it is. Go ahead.

MR. SCHLESINGER: Give me an explanation on the oil water separator.

MR. SHAW: What happens is you have a wash bay, you'll be washing equipment down, maybe grease and oil's on them, when you wash them, it goes into the drain and that's a no-no with respect to a direct discharge into

the town sewer system.

MR. SCHLESINGER: So Jerry just asked you a question, what happens with the water that leaves the wash bay, even the service areas, you know, they're cleaning the floor and your answer was that the water goes into the sanitary thing.

MR. SHAW: I missed a step.

MR. SCHLESINGER: Right, that's why I wanted to make sure it goes there to your oil water separator first.

MR. SHAW: Correct.

MR. ARGENIO: I'm curious, who monitors the maintenance of that unit?

MR. SHAW: I really don't know.

MR. BABCOCK: Well--

MR. ARGENIO: How do you do that?

MR. BABCOCK: We go there at least once a year, if not more, if there's an issue and the issue--

MR. ARGENIO: How would you know if there's an issue?

MR. BABCOCK: When we start finding grease down in the sewer line.

MR. EDSALL: As part of the maintenance of the manholes if there's identified areas with grease usually found by restaurants they go back to the services.

MR. ARGENIO: Some restaurants are greasier than others.

MR. SCHLESINGER: We have do it on a weekly basis, I

don't know what their schedule is but--

MR. BABCOCK: I think it's also required that they have a company that pumps that grease out when it's full, they have to keep maintenance records of that, who takes it, how much they took.

MR. ARGENIO: You know what, Greg, I would ask that you have the applicant submit a maintenance and/or inspection schedule of that unit, submit it to Mike's office.

MR. SHAW: Of the new unit?

MR. ARGENIO: Of the separator, be it annually or biannually, whatever's necessary.

MR. SHAW: So I understand you, you want a note on the drawings stipulating that on a biannual basis the owners submit documentation regarding the maintenance of the oil water separator to the building inspector?

MR. ARGENIO: No, that's not what I want. I want them to include a letter on their letterhead to the building inspector of the Town of New Windsor telling them that they will inspect and/or clean as necessary the separator with a frequency of Mark, help me.

MR. BABCOCK: They'll know what it's going to do depending on what size this is.

MR. ARGENIO: I want to put something in the letter, Mike. Annually?

MR. EDSALL: Annually or as directed by the sewer department.

MR. ARGENIO: Annually or as directed by the sewer department. And I want that letter to be part of the file. That's all.

MR. SHAW: Okay, could you repeat that? I just want to make sure I give you what you want.

MR. ARGENIO: I would like the applicant to craft a letter on letterhead that says relative to the oil water separator contained and plans dated blah, blah, blah by Greg Shaw we're committed to inspecting and/or cleaning the oil water separator illustrated on drawing them X, Y, Z on an annual basis. Thank you, United Rentals or something close like that and I want it as part of the file.

MR. SHAW: Okay.

MR. SCHLESINGER: I don't mean to beat a dead horse but being that the environmental issues are becoming more flagrant, says new pre-cast oil water separator, I'm sure that doesn't mean new as opposed to using a used one. To me, I'm interpreting it as an additional one, that there was another one somewhere.

MR. SHAW: There was and will continue to be.

MR. SCHLESINGER: And there was an existing wash bay, you're showing it on your plan.

MR. SHAW: Up here.

MR. ARGENIO: I can speak to that only because I've been to the facility before. You know what they used to do, steam the equipment off, the water would run on the ground and it would go away, this is an improvement to that.

MR. SCHLESINGER: Are they going to be using the old wash bay as a wash bay also?

MR. SHAW: I don't know the answer to that question.

MR. SCHLESINGER: Well, I think that that should be addressed, if you're upgrading, we might as well upgrade all the way.

MR. ARGENIO: I don't know how, I'm looking for help Mike and Mark, don't know how retroactive we can reasonably get with any applicant. I think that it is reasonable to require the new construction they're doing to make sure it's up to snuff and within code but I don't know that we want to engage or set the precedent into going into their facility and checking a dozen other things.

MR. EDSALL: How many wash bays in the old area?

MR. SHAW: Just one wash bay. It may be the function of the size of the equipment. Also, this is going to be a structure you're going to have overhead doors, maybe they're going to want to maintain the wash bay for equipment they can't fit into the overhead doors.

MR. EDSALL: I think just the area of convenience they'll probably use the new one because it's new, it's convenient, it will probably secure itself.

MR. ARGENIO: I don't know how far we want to go.

MR. SCHLESINGER: I understand where you're going.

MR. ARGENIO: They'll have the new one.

MR. BABCOCK: Greg, is there an oil water separator at the old facility?

MR. SHAW: Yes.

MR. BABCOCK: He's saying that there's an oil water separator.

MR. ARGENIO: There's one now?

MR. SHAW: Yes.

MR. ARGENIO: Just not shown.

MR. SHAW: No, it's shown, it's shown on the utility plan, if you want it incorporated into the letter also both the existing and proposed we can accommodate that.

MR. ARGENIO: That would be a great accommodation for the town, Greg, I appreciate that. Does anybody else have anything else? I'll accept that we declare ourselves lead agency.

MR. SHAW: I believe lead agency and you also waived the public hearing.

MR. ARGENIO: What about county, Myra?

MR. EDSALL: It was sent.

MR. CORDISCO: That's correct, Mr. Chairman, I prepared resolutions at this point.

MR. ARGENIO: County says the proposed site plan amendment appears to be consistent with the county comprehensive plan, blah, blah, blah. We took lead agency?

MS. MASON: Yes.

MR. ARGENIO: I will accept a motion for final if somebody sees fit or negative dec first.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative

dec on United Rental site plan. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: I will accept a motion for final.

MR. SCHLESINGER: I'll make a motion for final approval for United Rental.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for the United Rental site plan. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: Tell your client that's a nice accommodation that they offered us because I don't think that there's a mechanism out there to monitor those separators and at least that gives Mike's office the ability if things are screwed up at some point in time to take a look and say hey, guys, you gotta take care of it.

MR. SHAW: Thank you.

MR. ARGENIO: Appreciate your cooperation.

HIGHVIEW_ESTATES_SUBDIVISION/LOT_LINE_CHANGE_(06-09)

Mr. Gerald Zimmerman appeared before the board for this proposal.

MR. ARGENIO: Application proposes lot line revision followed by resubdivision of each lot and construction of a private road. Plans were previously reviewed at the 8 March, 2006, 10 May, 2006 and 10 October, 2007 planning board meetings. I see Mr. Zimmerman is here to represent this. Can you tell us what you're doing here, Mr. Zimmerman and what you have changed and how much you're doing for us tonight?

MR. ZIMMERMAN: Okay, we appeared before the board last October 10 at which time the board waived the requirements for public hearing for preliminary and final, confirmed the negative declaration for the project. We also received a letter from the highway superintendent approving the private road and we also provided the 9/11 addresses on the plan for lot number 2 and lot number 3 which are the two new lots that are being created. We also received approval for the name of the private road, Pine Lane, and we also submitted a maintenance agreement for review to the attorney.

MR. ARGENIO: Paul Court's a public road?

MR. ZIMMERMAN: It's a public road.

MR. ARGENIO: Go ahead.

MR. ZIMMERMAN: Well, basically, those were the revisions that needed to be made to the plan from when we were here before the board last. So I believe we have addressed all the comments that your engineer and the board had.

MR. ARGENIO: These pass muster on this? There's been quite a bit of scrutiny, Mark, is there anything else

here? Your comments seem to be pretty basic.

MR. EDSALL: No, the open issue that really held them up was that we had to look into the issue of the time clock for resubdivision of the property and the need to go to Orange County Health and we worked that out and it in fact exceeded the timeframe and that's no longer an issue and the percs were witnessed locally, designs are on the plan.

MR. ARGENIO: Danny, do you have anything on this?

MR. GALLAGHER: No, I don't see anything.

MR. SCHLESINGER: Me either.

MR. ARGENIO: I'm going to read the procedural things, if you two guys come up with something, certainly I would invite you to chime in. I'll accept a motion that we grant preliminary and final.

MR. CORDISCO: Yes, I have prepared resolutions to that effect and just one note here is that there was mention of a private road maintenance agreement.

MR. ARGENIO: I'll read them in, I've got them.

MR. CORDISCO: I have not seen it so I haven't approved it.

MR. ARGENIO: Preliminary and final approval to the Highview Estates subdivision subject to, Mr. Zimmerman, the submission of the bond, the private road maintenance declaration in final form accepted by Mr. Cordisco and certainly that all fees be paid. If anybody sees fit, I will accept a motion to that effect subject to what I just read in.

MR. SCHLESINGER: Motion made for preliminary and final approval with the subject-tos.

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MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the Highview Estates minor subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: That's good, you covered a lot of ground there, certainly was reviewed to a quite substantial extent. Thank you for coming in.

MANGIARACINA_SUBDIVISION_(05-17)

MR. ARGENIO: Mangiaracina minor subdivision on Toleman Road. This application proposes subdivision of the 32 acre parcel into four single family residential lots. The plan was previously reviewed at the 14 September, 2005 planning board meeting. Sir, can I have your name for the benefit of Franny and the rest of the board members?

MR. CELLA: Jonathan Cella.

MR. ARGENIO: Would you tell us what you're doing here please?

MR. CELLA: It's 32 1/2 acres and we're subdividing it into four single family building lots, one with the existing residence which would be lot number--

MR. ARGENIO: I see five lots there.

MR. EDSALL: The bottom one is a separate existing tax lot.

MR. ARGENIO: The bottom large lot with the buffer running through it?

MR. CELLA: This is lot 1.

MR. SCHLESINGER: Lot 1 is not part of the subdivision.

MR. ARGENIO: Do me a favor, take that red pen and show me the lot lines on that drawing.

MR. CELLA: This is the existing parcel, this is lot 4, 3.

MR. ARGENIO: I need the lot line, show me the lot line. You see where it says--

MR. SCHLESINGER: See where it says 1, is 1 a lot?

MR. CELLA: Existing, no.

MR. SCHLESINGER: Is 1, you see top left, go left, right there, move your hand up, right there, is that part of this subdivision?

MR. CELLA: Correct.

MR. SCHLESINGER: Where is 2?

MR. CELLA: Three.

MR. SCHLESINGER: Three.

MR. ARGENIO: Draw the lines for me.

MR. CELLA: This is 4 here with the remainder of the buffer and 2 and 3 are smaller lots here.

MR. ARGENIO: What's that, 4, 3, 2, 1 so that lot on the bottom where it says federal wetland is not included, is that correct? Put your finger on the drawing, down, correct, is that included or not?

MR. CELLA: This is an existing residence here which was a previous subdivision not included.

MR. ARGENIO: That's my question, we're making headway, leaps and bounds here. Okay, I understand.

MR. CELLA: Says lot number 2.

MR. ARGENIO: No problem, go ahead, continue.

MR. CELLA: All right, so single family homes, well and septic and this has lot number 4 will have the existing residence with the barn and silo, existing silo and barn which we just received variances for for height

and setbacks to the proposed property line from the town zoning board, that was October 22 last month. The lots are average 8 acres ranging from 12 1/2 to 14 1/2 acres. It's zoned R-3, we conform to everything except for the barn and silo setbacks as their height exceeds the allowable height for accessory structure. So we got the variances from the ZBA.

MR. SCHLESINGER: Did we refer you to the Zoning Board?

MR. BABCOCK: Yes.

MR. CELLA: Yes.

MR. ARGENIO: You had a public hearing there?

MR. CELLA: Yes.

MR. ARGENIO: How was that, was it attended?

MR. BABCOCK: I don't think people understood the plan, if I remember right, they came up, quite a few people came up but nobody had any issues, they didn't understand.

MR. ARGENIO: I can't imagine them not understanding the plan.

MR. BABCOCK: Well, the barn and the silo it's an accessory structure so nobody understood that, they asked a couple questions if the barn would not be used. I suggested that to the applicant that he not say that because I'm sure if he sold the property somebody wanted to use the barn they could use that and use the barn and silo, I don't recall any negative comments at all.

MR. ARGENIO: Okay. Go ahead, sir.

MR. CELLA: Not much more. Lots 2 and 3 the houses

will be seen from the road and lot number 1 the house will be all the way in the rear of the lot, at this point they're crossing the driveway for lot number 1 will cross through the New York State DEC buffer for the wetland.

MR. ARGENIO: Is that a problem?

MR. EDSALL: They'll need a permit.

MR. ARGENIO: Even if the buffer--

MR. CELLA: At this point we have submitted plans and it's been reviewed by them and at this time they need you to take action so we can get that permit.

MR. ARGENIO: They need us to take action in what sense?

MR. CELLA: SEQRA, we have to get a negative dec.

MR. ARGENIO: We certainly can't help you with final approval tonight.

MR. CELLA: No, we understand that but for them--

MR. CORDISCO: DEC regulations require that SEQRA be completed before the DEC can issue its outside agency approvals.

MR. ARGENIO: If anybody sees fit, I'll accept a motion to declare negative dec.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for the Mangiaracina site plan.

MR. CORDISCO: Didn't this application have to be referred to the Town of Blooming Grove?

MS. MASON: Yes.

MR. CORDISCO: And the time has not passed for action under the new requirements of the General Municipal Law 239 NN, this has to be referred to the adjoining municipalities.

MR. EDSALL: You're saying you can't take SEQRA until that clock has run.

MR. CORDISCO: That's correct.

MR. ARGENIO: That's 30 days. When did you send it out?

MS. MASON: Today.

MR. ARGENIO: You've got no negative dec tonight, it's a technicality, it is what it is.

MR. CELLA: All right, so can we be put on for next month then at this point?

MR. ARGENIO: I don't see why not. Do you guys, is there anything?

MR. CORDISCO: Just in terms of timing if the 30 days are up then they certainly can be put on for next month. I'm taking a look at the calendar. No.

MR. CELLA: So we can be on the January agenda?

MR. EDSALL: Thirty days won't run by the meeting in December so since there's only one meeting in December--

MR. ARGENIO: It's going to be after the first of the year.

MR. CORDISCO: That would be January 9th.

MR. ARGENIO: Danny and Neil, how do you guys feel about the public hearing?

MR. SCHLESINGER: Let's see, the Mangiaracinas live on one side.

MR. CELLA: This is their lot, this is their son.

MR. ARGENIO: Certainly not going to affect their timeframe, we additionally need to hear back from county which we have not heard back. Quite frankly why are you here tonight? Can I ask that stupid question?

MR. CELLA: We thought we'd be able to get negative dec.

MR. BABCOCK: Yeah, I don't think we were aware of that ourselves.

MR. EDSALL: My misunderstanding, I thought you could make the referrals.

MR. ARGENIO: And Dominic just said it's a new law so we'll give you a pass on this one but certainly don't do that again. How do you guys feel about the public hearing?

MR. GALLAGHER: Seemed like there was people that showed up at the zoning board.

MR. ARGENIO: Yeah, I think you're right.

MR. SCHLESINGER: Yeah.

MR. ARGENIO: Do we have to vote to schedule that

public hearing?

MR. CORDISCO: Yes.

MR. ARGENIO: I'll accept a motion we schedule a public hearing on Mangiaracina subdivision.

MR. SCHLESINGER: I will make a motion that we schedule a public hearing.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we schedule a public hearing for the Mangiaracina subdivision.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Mangiaracina, that public hearing will not affect your timeline, there's too many other technicalities going on here between the SEQRA issue, the Blooming Grove issue and the County Planning issue. I don't think you have a big deal here but there are procedures that the state and county and GML would have us follow so--

MR. CELLA: It's been a long time just can we request that we have the two meetings the same night both in January?

MR. ARGENIO: Oh, yeah, absolutely, no question.

MR. CELLA: Thank you.

VESLEY_ESTATES_(STEVEN'S_WOODS)_-_RECOMMENDATION_TO_
TOWN_BOARD_-SENIOR_HOUSING

Mr. Alfred Fusco, Jr., P.E. of Fusco Engineering & Land Surveying, P.C. appeared before the board for this proposal.

MR. ARGENIO: Vesley Estates, Steven's Woods. Discussion. You were given a set of plans, my plans for Vesley Estates are on the dashboard of my truck which is out in the parking lot.

MR. FUSCO: We have extra sets.

MR. ARGENIO: Look at you, aren't you so clever.

MR. CORDISCO: Didn't get a set cause there wasn't enough copies.

MR. ARGENIO: Don't worry about it. Do you guys have Mark's comments on this?

MR. EDSALL: I did not prepare comments for this.

MR. ARGENIO: No problem. Tell you what, sir, what's your name?

MR. FUSCO: My name is Alfred Fusco with Fusco Engineering.

MR. ARGENIO: Mr. Fusco, tonight you're not here to do a presentation for us.

MR. FUSCO: We're here to answer any questions.

MR. ARGENIO: I appreciate you putting the illustrations up on the easel. I've looked at it, I've studied it, we're here to briefly discuss it amongst ourselves. We're going to make a recommendation to the Town Board and I'm going to lead the discussion because

I've looked at it extensively and I'm going to tell you that this project is shoehorned into this piece of property in my estimation and in my opinion, it's too tight, it's shoehorned in there, it's squeezed between two wetlands, wetlands migrate and you have it jammed in there. Now, I see on this drawing that the fire lanes, oh, it is still shown in the buffer, your fire lanes are in the buffer, you have an issue there, you have a litany of issues, Mr. Fusco, but again there's two other members here that are going to look at this. But my commentary to them is that I think that this thing is squeezed in there. I think it's too dense. I think that that little green area down at the bottom is too close to the road. I think that your fire lane can't go in the buffer zone, that's further evidence that you have shoehorned this thing. That's not a criticism to you, please keep that in mind, I think that that fire lane being where it is is further evidence that this thing is squeezed into this piece of property. I further think that it's probably not a bad location for a senior project but you have a lot going on, Mr. Fusco, I mean, that's it, there's a lot going on there, lot going on there. Danny and Neil, certainly hear from you.

MR. SCHLESINGER: I had a couple questions. Are you going to have, are you planning on having your plan submitting 72 apartments that will be rental apartments?

MR. FUSCO: They're flats, they would be sold as condominiums.

MR. SCHLESINGER: So those are not apartments, those are condos?

MR. FUSCO: Right, they'll be flats.

MR. SCHLESINGER: All of them, the one family homes are condo units also?

MR. FUSCO: That's correct.

MR. SCHLESINGER: And the townhouses are condos?

MR. FUSCO: That's correct.

MR. SCHLESINGER: No rentals?

MR. FUSCO: That's correct.

MR. SCHLESINGER: The other question I had is we had an applicant before us today for a senior citizen home and that my personal feeling is that's within arm's reach of a bank, a post office, grocery shopping, whereas yours is not. However, you're in, your plan, you're providing some sort of, I don't know what you want to call it, a store or convenience center or something like that. Who is going to run that unit?

MR. FUSCO: That would be a private vendor, it would be selected and approved by the homeowners' association.

MR. SCHLESINGER: I think it's a good idea business wise and if I'm overstepping my boundaries you can tell me that but I don't know how profitable something like that would be. And my concern is that you're offering an amenity to these people which is a great idea but I just don't know, I don't want to see it turn over and the amenity go away. Just a business thought.

MR. ARGENIO: Danny?

MR. GALLAGHER: The two story clubhouse, does that require an elevator?

MR. FUSCO: It would need access, that's correct, yes.

MR. GALLAGHER: I don't know if it's early on the plan I don't see anything about dumpsters or the trash

removal for the site.

MR. FUSCO: We'll continue to develop the plan.

MR. ARGENIO: That's details and this is not here for review, it's here for us to make a recommendation to the Town Board, that's more a review thing and if it does move forward and the Town Board does give them the nod we'll certainly review that at some point in time.

MR. BABCOCK: Mr. Chairman, this is something new that's coming along with these, I've seen a couple of the projects that are new that's come along with the detached single-family houses within the projects. Typically in the Town of New Windsor and I'm not sure how we're going to handle this for a single family detached dwelling it's not 7,000 square foot, it's either 43,000 which is one acre or 80,000 square feet so I'm not sure how they're doing their square footage as far as zoning and I don't know that we've given them any direction of what we want.

MR. ARGENIO: Mark, the senior code doesn't speak?

MR. EDSALL: Senior code lets them have a mix of stand-alone singles, duplexes but again it's up to the Town Board to decide if they think the balance is inappropriate. As an example if somebody came in and called it a senior project and built 90% single family and 10% multi-family the Town Board would likely throw them out on their ear. So the balance really is up to the Town Board but it does allow that mix as part of a site plan and it can't be, it's not like you take the lot of the house and sell it out separately, it's still part of a site plan.

MR. ARGENIO: I understand. I'm going to make a statement and if my contemporaries disagree just let me finish and then disagree. I don't think we, don't think that's a bad location, we're going to make a

favorable recommendation to the Town Board on this location, however, with the caveats that we discussed here that the unit count is very high, that it's squeezed in there and there's details that need to be taken care of here and one of which specifically is going to be the sizing of that clubhouse. And again I don't want to be too technical here because there's a time and place for everything and this is not the time or the place for that, but yet I think this is okay but you have issues here, number one, it's too dense, it's squeezed in there and that's not what we're looking for in the Town of New Windsor but the location is not a bad location. Guys okay with that?

MR. GALLAGHER: I agree.

MR. ARGENIO: Thank you, Mr. Fusco for coming in.

MR. FUSCO: Thank you very much. I appreciate your comments.

MR. ARGENIO: Good luck to you.

MR. CORDISCO: Is the board going to take formal action in terms of authorizing that report tonight?

MR. ARGENIO: What do we need to do exactly, Dominic?

MR. CORDISCO: Well, what we have done in the past we have prepared a formal resolution containing essentially the board's report and that gets forwarded.

MR. ARGENIO: Okay, so do we need to vote to include my diatribe in the recommendation or how do we do that?

MR. CORDISCO: Well, we could or you could do that, I think you need a formal vote of the board to authorize you to sign the resolution that then gets sent on to the Town Board.

MR. ARGENIO: I'll accept a motion authorizing me to sign a resolution that contains that couple of paragraphs that I just enunciated that I think describes our feelings on this project. Is that sufficient, Dominic?

MR. CORDISCO: Yes, that's fine, as long as Franny provides it to me.

MR. ARGENIO: I'm quite sure she's fairly competent and I'm sure she'll be glad to do that.

MR. EDSALL: Fairly?

MR. ARGENIO: Thank you Mark for pointing that out. Motion has been made and seconded that the Town of New Windsor Planning Board vote in favor of allowing the chairman to sign the resolution. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Is that sufficient for you?

MR. CORDISCO: That's fine.

MR. ARGENIO: Okay, counselor.

MR. CORDISCO: Thank you very much. I know Mark has a couple of things that he wants to get into.

THE_GROVE

MR. EDSALL: I'll go as quickly as I can. The first item is The Grove, the multi-family project on New York International Plaza. The applicant and their engineers have been finalizing the minutia of the detail of the building, footprints, the walkways into the building, the rear accesses and they were as a result of finishing the architectural drawings have been jockeying around retaining walls slightly, have been changing grading, shifting catch basins, finding out areas that they think they need more catch basins, providing more drainage, all those type of things and--

MR. ARGENIO: Field changes.

MR. EDSALL: Dick McGoey and I became very concerned and candidly annoyed at all the memos and plans we had being shipped to us to the point we had so many plans it was unbearable. We told them to prepare one set of drawings that show us every single change they propose so we can determine the order of magnitude and the scope. And they submitted such a set on August 1, 2007. I looked at it, I sat down with them in detail and in fact there are a ton of minor changes but it's that minor so I want to go on record.

MR. ARGENIO: Which is typical for construction in a project of this magnitude.

MR. EDSALL: We tried to get our arms around it and I wanted the record to be clear, we do have another set of plans that they have had the courtesy of preparing a field set.

MR. ARGENIO: Were they cooperative?

MR. EDSALL: They were.

MR. ARGENIO: What do you need from us?

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MR. EDSALL: Just want it in the record so you don't think we're redesigning.

MCQUADE

MR. EDSALL: Next item is McQuade, as you recall built and Mike help me with the square footage roughly I don't remember rather large school building with a gymnasium.

MR. ARGENIO: Minuta designed the pool there.

MR. BABCOCK: That's correct.

MR. EDSALL: The site had a tremendous amount of discussion by this board about parking and event parking and the fact that you gotta have the parking where the demand is, you don't want cars parked all over the darn place. Low and behold--

MR. ARGENIO: Neil Schlesinger was very, very much focused on that whole thing.

MR. EDSALL: I'm preaching to the choir then. Long and short of it they're now near complete with the building, they have built the site out and they unilaterally apparently decided that they wanted to eliminate 21 spaces behind the building because apparently it was a financial issue.

MR. ARGENIO: Twenty-one spaces in the field of how many?

MR. EDSALL: There's in the--

MR. ARGENIO: In that immediate area?

MR. EDSALL: In that area if you include what's behind the building on the side of the building and I count the ones between the administration building and them it's around 70 spaces to about a 30 percent reduction, it's a lot. I'm pointing it out because I know you went through great pains and I know they on their

schedule called out for 42 spaces just for events and that's a big building if they're going to have an event.

MR. ARGENIO: It's a problem.

MR. GALLAGHER: I agree.

MR. ARGENIO: What's the answer, Mr. Engineer?

MR. EDSALL: Two answers, A or B, put them in immediately or if you're going to allow them to effectively bond those still get their C.O. and give them a timeframe when they have to have them done, it may be a hardship if we don't let them in the building.

MR. ARGENIO: When are they looking to open the building?

MR. BABCOCK: Once we're involved in this they're ready.

MR. ARGENIO: Time, Mike?

MR. BABCOCK: I don't know.

MR. ARGENIO: Is it two days or two months?

MR. BABCOCK: It's now.

MR. EDSALL: I'd say within weeks.

MR. ARGENIO: Why didn't they build the spots?

MR. EDSALL: They're wrong and I told them that they do not have the authority to re-invent the plan.

MR. BABCOCK: There's some elevation differences, it's going to require some small retaining walls.

MR. EDSALL: Nothing more than what was in their design.

MR. SCHLESINGER: Financial issue.

MR. EDSALL: If we deferred it to next year clearly they're going to have a new building, they may not have as many events right away, you're cutting them a little slack but make them bond it like anybody else.

MR. ARGENIO: Here's my opinion and you guys tell me if you disagree. I want to bond it, I want the asphalt bonded at \$90 a ton, I want the sub-base bonded at \$45 a ton, I want the balance bonded at \$50 a face foot, we're not going to end up in a situation like the Town of Newburgh has up on the hill at Meadow Winds where they have the bond, enough time has expired, the prices have gone up enough where they're in a jam cause they don't have enough money to cover and you need to express to them that we expect these spots built and I want a timeframe on it. What do you guys think?

MR. SCHLESINGER: I agree a hundred percent.

MR. GALLAGHER: I would say six months.

MR. SCHLESINGER: Six months I don't think is going to cure their problem.

MR. ARGENIO: I think we're talking about--

MR. EDSALL: July.

MR. ARGENIO: July, I mean--

MR. SCHLESINGER: By the end of the summer.

MR. EDSALL: July 1st.

MR. ARGENIO: I think it's reasonable, Neil's espoused

about that for three meetings and he was 100 percent right about it, the proximity to the parking is as important as the quantity of the parking.

MR. EDSALL: I think it's important for the record to note that they prepared the parking calculations based on their study of their needs.

MR. ARGENIO: We didn't drive it. Anything else? Am I missing anything there?

MR. BABCOCK: No.

MR. ARGENIO: You guys okay?

MR. SCHLESINGER: Absolutely.

MR. EDSALL: It gives them the slack for the C.O.

MR. ARGENIO: Yeah, build the parking lot.

NOWICKI_SUBDIVISION

MR. EDSALL: Last item is project called Nowicki subdivision and I don't know that and I'm not looking for you to make a decision tonight but I want to bring it to your attention. Nowicki is an application before the board, application 7-14, that's immediately adjacent to the Rackowicki subdivision which is 01-26, two subdivisions abut each other and you always asked us to look for potential cross-connections and it's a two-side copy and what I have done I have showed you the orientation, there's a possibility to connect the two subdivisions which would give a cross-connection outlet from the Beaver Dam Lake area by Park Road over to Station Road.

MR. BABCOCK: Good idea.

MR. CORDISCO: Mr. Edsall, isn't the Nowicki subdivision the one impacted by DEC wetlands?

MR. EDSALL: Yes.

MR. ARGENIO: This is out by my house.

MR. BABCOCK: It's almost to the Blooming Grove line when you make the sharp turn the farm on the right-hand side.

MR. ARGENIO: What's your question, Mark?

MR. EDSALL: Obviously, Nowicki has already expressed the willingness to construct or design and construct a cross-connection to their property line.

MR. ARGENIO: Nowicki's the one near my house.

MR. EDSALL: Rackowicki is off of--

MR. SCHLESINGER: The driveway, I'm sure it's the

driveway going off Station Road connects the Nowicki or Rackowicki?

MR. EDSALL: Let's start again. Nowicki is on Station Road, Rackowicki is off Beaver Dam area, the point being Rackowicki is between preliminary and final approval now they're going to be coming back for final, they're going to have to be told yes or no to provide a 50 foot strip.

MR. ARGENIO: The big question is from what I'm hearing it can be built, the big question to you guys is do you think there's a potential problem with it being some kind of a through road like the Park Hill people were concerned about?

MR. SCHLESINGER: No, Station Road to Lake Road.

MR. EDSALL: Yes, that's not--

MR. SCHLESINGER: That's not going to be a through road.

MR. BABCOCK: Only the people that are going to live there are going to use it.

MR. SCHLESINGER: I'm assuming Nowicki is not going to be happy.

MR. EDSALL: Nowicki is happy, that's a new application, they recognize the proper design and plan. Rackowicki, they don't know about it yet.

MR. BABCOCK: We want you to know so we can tell them.

MR. EDSALL: So I need--

MR. ARGENIO: I think we like it and Danny I'm looking at Neil because him and I live there, we certainly know the area well, it would be a nice short cut for me to

get to my kids' friends' houses on Mecca. Mark?

MR. BABCOCK: If we put sidewalks you can ride your bike.

MR. ARGENIO: Good idea, sidewalks everywhere, excellent. Anything else?

MS. MASON: Those Ashley Court people are going to kill you.

MR. ARGENIO: It's not going to be a through road.

MR. EDSALL: It's going to be an outlet for Beaver Dam.

MS. MASON: I get phone calls all the time.

MR. EDSALL: Don't forget you've got the option of requiring that Rackowicki provide the 50 foot strip, have Nowicki create the 50 foot strip and have the Town Board decide where and when they be connected.

MR. ARGENIO: Do we need action tonight.

MR. EDSALL: I need some direction to tell the Rackowicki subdivision.

MR. ARGENIO: You have that.

MR. EDSALL: My understanding they should be told to put in a 50 foot strip.

MR. ARGENIO: That's correct, that's your direction. What else?

SHADOW_FAX

MR. EDSALL: Last item that Myra handed me tonight that apparently I lost or I never got, I don't know which is the Shadow Fax letter. They're requesting that they get permission to do some clearing and tree removal. Customarily if you do give any authorization it's between preliminary and final.

MR. ARGENIO: What's their status right now?

MR. EDSALL: They've made, they're in round four with the Orange County Health Department which would tell me that they're, the layout issues are probably resolved, they're probably looking at details.

MR. ARGENIO: You're the enforcement guy, how much of a problem has it been for you in other areas of the town?

MR. CORDISCO: If I could before Mike answers just to put that in context, the board has previously adopted a negative dec and granted preliminary approval which you have also extended I think on at least one occasion so they have not yet--

MR. ARGENIO: The problem is with these type of requests is that the applicants take that and they bring it to the next level and it becomes a problem for Mike Babcock's office, suddenly we have roads being built, ponds being built, sewers being installed and we have every excuse, I just wanted to show you I could build it to I didn't know I had to do it. I mean, I've heard it all.

MR. BABCOCK: Tearing up the roads, they don't put cleaning pads.

MR. ARGENIO: Mike, what do you think, you're the one who has to enforce it?

MR. BABCOCK: I don't know what the reasoning is, they don't have approval, they shouldn't be starting the project.

MR. SCHLESINGER: I agree.

MR. ARGENIO: Mike is the poor S.O.B. who has to deal with the phone calls while the supervisor says Mike, go out and see this or that, meantime we gave them approval and Babcock is calling me saying Jerry, I've got to do this.

MR. SCHLESINGER: I agree with Mike.

MR. BABCOCK: They just want to get started, they don't have an approval, right, is there a reason Mark other than that?

MR. EDSALL: It's the same as all of them, I was going to say that the only thing the board has ever done in the past if you give anything you give the ability for the applicant to begin to clear and grade the road, not to work outside the road area, that way they can get it graded and stabilized.

MR. BABCOCK: When they start clearing and grading the roads we need inspections there, there's fill sections. Nobody knows.

MR. EDSALL: Just one other thing that has changed maybe to support Mike's concern in the past we didn't have the same storm water regulations, there wasn't the SWPPP, there wasn't--

MR. ARGENIO: They're tighter now.

MR. EDSALL: A lot of times there's a lot more work than just grading the road now so it's--

MR. ARGENIO: Let's say no for now and, you know, if

this is some kind of phenomenal financial hardship for this applicant or some such thing he'll come back or espouse that to you Mike and if we need to revisit it we can but until--

MR. CORDISCO: There's another implication here if I may, the new DEC permit for storm water which is into effect on January 8 for projects approved after that you could not open up more than five acres of a site during the winter months, that might be something.

MR. ARGENIO: Are you sure? I have that on some of my jobs now the five acre threshold.

MR. EDSALL: It's waiveable.

MR. CORDISCO: It's waiveable but the waiver is not valid during the winter months as proposed under this draft permit that goes into effect on January 8.

MR. EDSALL: That's what we were disturbing the meeting talking about.

MR. ARGENIO: So Mark the answer is no, that's the answer. If there's some kinds of phenomenal financial hardship that's demonstrated we'll consider revisiting it at some point in time six months from now if that's the case, but it's no for now. That's it. What else you got?

MR. EDSALL: That's it, thank you for your patience.

APPROVAL_OF_MINUTES_DATED_SEPTEMBER_12,_2007_AND_

SEPTEMBER_26,_2007

MR. ARGENIO: I'll accept a motion for approval for the minutes dated September 12, 2007 and September 26, 2007.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded we approve them as written. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

BENEDICT_POND

MR. BABCOCK: Mr. Chairman and the members, Benedict Pond, there was a lot line change for a water easement that went out of the back to Riley Road, the deeds were filed I guess by the abstract company but the plan was never filed. They called the town to say the plan didn't get filed and we told them to file a plan and the date was no good so the plan had--

MR. ARGENIO: The date was no good meaning it expired?

MR. BABCOCK: The date was April 26, '07, this is a plan that you signed today.

MR. ARGENIO: Should of filed it last month and they didn't.

MR. BABCOCK: We need to just clarify, I just want to do this in front of the board that we reapprove this with today's date so they can file the plans that coordinate with the deeds that are already out there so we have a water easement.

MR. ARGENIO: Nothing's changed but an attorney made a--

MR. SCHLESINGER: I take full blame, it's absolutely nobody else's fault.

MR. ARGENIO: Stop, it's got nothing to do with you actually.

MR. BABCOCK: This is for the Town of New Windsor water line.

MR. EDSALL: The easements have all been reviewed with the town attorney, they have all been filed. Authorize to be re-stamped.

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MR. SCHLESINGER: So I'm out of the woods.

MR. ARGENIO: We have to restamp.

DISCUSSION_-_SENIOR_HOUSING

MR. SCHLESINGER: I have an issue in reference to senior housing things here.

MR. ARGENIO: If you were at that meeting you wouldn't be asking the question.

MR. SCHLESINGER: I'm sure that we have guidelines as far as density is concerned. I agree with Jerry, my first impression of looking at the ones that we had to the Vesley Estates it was just crammed in, I agree with that. However, the one that we're giving approval for over here by, behind Rite-Aid is 4 acres 90 one bedroom units.

MR. BABCOCK: Two buildings.

MR. SCHLESINGER: Two buildings but 90 units, 4 acres and here the other one we're talking about a combination of townhouses and it's 292 on 25 acres, no community room on this one here and a community room there. Now I still believe it's definitely too dense.

MR. BABCOCK: Two different projects, two different requirements.

MR. ARGENIO: I do want to hear from you but I want to comment first number one the one in Vails Gate is ultra affordable.

MR. BABCOCK: Totally affordable.

MR. ARGENIO: The area graphically where it's going there's certainly an extremely limited quantity of real estate where we could put a senior project and have the seniors avail themselves of all the appurtenances in that area and two, if they needed a variance from the zoning board which they sought and they acquired lawfully and three, the one that Fusco represented is

out on Moores Hill Road where there's a lot more room and a lot more real estate and I as a planning board member would never recommend in my wildest fantasy the project which I think fits in Vails Gate, it's crowded but I think fits in Vails Gate for our seniors, I would never recommend that project on Moores Hill Road. Go ahead, Mike.

MR. BABCOCK: The one on Moores Hill Road and I may stand corrected here but I think they're allowed 9 units per acre, the one in Vails Gate is allowed 18 units per acre.

MR. SCHLESINGER: Why is there a difference?

MR. BABCOCK: You can buy one of those, you could buy one of those ones on Moores Hill Road, it's a totally different project.

MR. SCHLESINGER: I'm not even looking at that totally affordable as opposed to affordable, significantly different.

MR. BABCOCK: Anybody over 55 can live there, anybody over 55.

MR. ARGENIO: Then the totally affordable is crafted to land in a more urbanized area like the Vails Gate corridor.

MR. SCHLESINGER: You don't have to tell me, that's the logic then fine that clears it up for me.

MR. GALLAGHER: Nothing.

MR. EDSALL: There's two sections in the code by the way to handle the two different projects.

MR. CORDISCO: They both have their own bulk area requirements.

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MR. SCHLESINGER: I didn't know that.

MR. ARGENIO: Okay, motion to adjourn.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. SCHLESINGER AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

Respectfully Submitted By:

Frances Roth
Stenographer